

## REMARKS

Claims 1-22 are pending in the application.

Claims 8-12 are withdrawn from consideration.

Claims 1-4, 6, 7 and 13-22 are rejected.

Claims 1-4 and 13-22 are rejected under 35 U.S.C. 102(e).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a).

The accompanying affidavit is submitted to, among other things, swear in back of U.S. Patent Application Publication No. 2003/0168725 to Warner, et al., cited by the Examiner in the action mailed April 4, 2005.

Claim 1 is amended.

Claim 2 is cancelled in favor of amended claim 1.

No new matter is added.

Claims 1-4, 6-7 and 13-22 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-4 and 13-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0168725 to Warner, et al. ("Warner").

Applicant respectfully traverses the rejections.

Applicants wish to "swear behind" this reference. Although the October 28, 2002 filing date of the Warner reference predates the effective filing date of the present application (October 21, 2003), Applicants conceived of the invention prior to the October 28, 2002 filing date of Warner and then were diligent in reducing the concept to practice up until the time the patent application was filed on October 21, 2003. Attached is a Section 131 Declaration signed by one of the inventors of the present application with supporting documents that attests to prior conception of the present invention.

For the above reasons, claims 1-4, 6-7 and 13-22 are patentable under 35 U.S.C. 102(e) over Warren.

Accordingly, applicant requests that the amendments be entered and the application be allowed.

***Claim Rejections – 35 U.S.C. § 103***

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner in view of U.S. Patent No. 6,576,493 to Lin, et al. (“Lin”).

Applicant respectfully traverses the rejections.

As discussed above, Warner is not a prior art to the present application. Therefore, the rejection under Section 103(a) is moot.

For the foregoing reasons, reconsideration and allowance of claims 1-4, 6-7 and 13-22 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
Date: September 6, 2005



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